

United States Court of Appeals

**FIFTH CIRCUIT
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June 26, 2019

TO COUNSEL LISTED BELOW:

No. 19-10011 State of Texas, et al v. USA, et al
USDC No. 4:18-CV-167

Dear Counsel:

Please file simultaneous supplemental letter briefs (limited to 15 pages) within seven days addressing:

(1) Whether or not the state intervenors and the U.S. House of Representatives have standing to intervene in this appeal, *see, e.g., Va. House of Delegates v. Bethune-Hill*, No. 18-281 (U.S. June 17, 2019), and whether the interventions were timely as to all issues, including whether the U.S. House of Representatives' intervention was timely as to both orders of the district court;

(2) Whether or not, if none of the intervenors have standing, there is a live case or controversy between the plaintiffs and the federal defendants given their positions on appeal, *see United States v. Windsor*, 570 U.S. 744 (2013); and

(3) What the appropriate conclusion is if the federal defendants' change in position has mooted the controversy and no other defendant has standing to appeal. *See, e.g. U.S. Bancorp Mort. Co. v. Bonner Mall P'ship*, 513 U.S. 18 (1994); *United States v. Munsingwear, Inc.*, 340 U.S. 36 (1950).

The attorneys should also be prepared to address these questions at oral argument.

Your supplemental letter brief should be in letter form addressed to the Clerk of Court. See FRAP 32 (a) (4), (5), (6), and (7) for format guidelines. When electronically filing the brief, either ECF Appellant's Supplemental Brief Filed or ECF Appellee's Supplemental Brief Filed should be selected and the docket text should be edited to reflect that it is a 'supplemental letter' brief. Paper copies are not required for this type of filing. The following link provides instructions on filing a brief in a Fifth Circuit case:

<http://www.ca5.uscourts.gov/cmecf/file%20a%20brief.pdf>

Sincerely,

LYLE W. CAYCE, Clerk

Shirley M. Engelhardt

By:

Shirley M. Engelhardt, Deputy Clerk
504-310-7631

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